

ATTORNEY DOCKET NO. 15006.0007U2
PATENT

RECEIPT
FILE COPY

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ott *et al.*

Serial No.

09/497,620

Filed: **February 3, 2000**

For: **"METHOD AND APPARATUS
FOR CONDITIONING GAS
FOR MEDICAL
PROCEDURES HAVING
HUMIDITY MONITORING
AND RECHARGE ALERT"**

Group Art Unit: 3734

Examiner: UNASSIGNED

RECEIVED
MAY 30 2000
TECHNOLOGY CENTER 3700

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

April 6, 2000

Sir:

The Filing Receipt issued in the above reference case does not indicate that this application is a "divisional" application of pending prior application Serial No. 09/081,186, filed May 19, 1998. (Copy enclosed.)

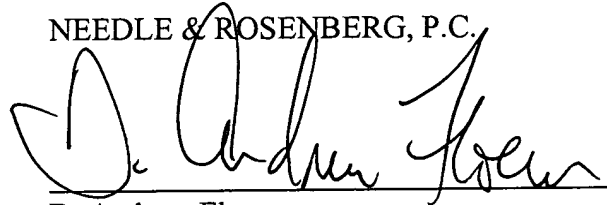
Enclosed is a copy of the original transmittal cover sheet filed with the patent application which correctly recites the priority information.

Therefore, Applicant respectfully requests that the Commissioner issue a corrected filing receipt which states that this application is a divisional of U.S. Application 09/081,186, filed May 19, 1998.

No additional fees are believed due.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

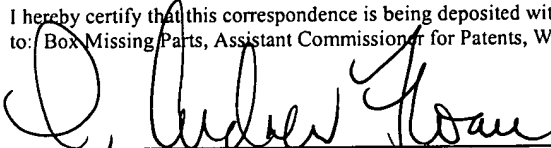
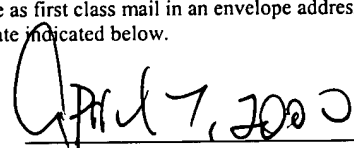


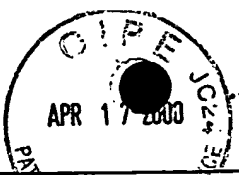
D. Andrew Floam

Registration No. 34,597

Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
(404) 688-0770

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.


D. Andrew Floam
Date



| | | | | |
|---|--------------------------|--------------------------------------|-----------------------|----------|
| CONTINUING APPLICATION TRANSMITTAL FORM (37 C.F.R. § 1.53(b)) | | | | |
| ANTICIPATED CLASSIFICATION OF THIS APPLICATION | | PRIOR APPLICATION: 09/081,186 | | |
| CLASS: 604 | SUBCLASS: 026.000 | EXAMINER: Thompson, M. | ART.UNIT: 3763 | |
| <p>To the Assistant Commissioner for Patents:</p> <p>This is a request for filing a divisional application under 37 C.F.R. 1.53(b), of pending prior application serial No. 09/081,186 filed on May 19, 1998, of Douglas E. Ott, John F. Schaefer and Robert I. Gray for "Method and Apparatus for Conditioning Gas for Medical Procedures Having Humidity Monitoring and Recharge Alert".</p> <p>If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.</p> | | | | |
| 1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a). | | | | |
| 2. The inventor(s) of the invention being claimed in this application is(are): Douglas E. Ott, John F. Schaefer and Robert I. Gray | | | | |
| 3A. <input checked="" type="checkbox"/> This application is a divisional application | | | | |
| (i) names as inventors the same or fewer than all of the inventors named in the prior application; and | | | | |
| (ii) contains no matter that would have been new matter in the prior application; and | | | | |
| (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed: | | | | |
| <input checked="" type="checkbox"/> is enclosed. | | | | |
| <input type="checkbox"/> will follow. | | | | |
| <input type="checkbox"/> This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application: | | | | |
| -OR- | | | | |
| 3B. <input type="checkbox"/> This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration: | | | | |
| <input type="checkbox"/> is enclosed. | | | | |
| <input type="checkbox"/> will follow. | | | | |
| 4. <input type="checkbox"/> Amend the Title of the Invention as follows: | | | | |
| 5. <input checked="" type="checkbox"/> Amend the specification by inserting before the first line the sentence: | | | | |
| This application is a divisional of, and claims the benefit of, application serial No. 09/081,186, filed May 19, 1998. | | | | |
| 6. <input type="checkbox"/> Priority of foreign application number, filed on in is claimed under 35 U.S.C. 119. | | | | |
| <input type="checkbox"/> The certified copy has been filed in prior application Serial No., filed on. | | | | |
| 7. <input checked="" type="checkbox"/> Cancel in this application original claims 1-31 and 45-52 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.) | | | | |
| 8. <input type="checkbox"/> A preliminary amendment is enclosed. | | | | |
| 9. <input checked="" type="checkbox"/> New formal drawings are enclosed. | | | | |
| 10. <input checked="" type="checkbox"/> Also enclosed are: PTO-1449 and PTO 892 listing references made of record in the prior application. | | | | |
| 11. <input checked="" type="checkbox"/> The prior application is assigned of record to: Douglas E. Ott | | | | |
| 12. <input checked="" type="checkbox"/> A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27: | | | | |
| <input checked="" type="checkbox"/> is enclosed | | | | |
| <input type="checkbox"/> was filed in prior application and such status is still proper and desired (37 C.F.R. 1.28(a)). | | | | |
| 13. The filing fee is calculated as follows: | | | | |
| TOTAL CLAIMS | | 13 - 20 = 0 | x \$18.00 | \$0.00 |
| INDEPENDENT CLAIMS | | 1 - 3 = 0 | x \$78.00 | \$0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) = | | | + \$260.00 | \$0.00 |
| BASIC FEE | | | | \$690.00 |

RECEIVED
MAY 20 2000
TECHNOLOGY CENTER 3760

| | | |
|---|--|----------|
| BASIC FEE | | \$690.00 |
| TOTAL OF ABOVE CALCULATIONS = | | \$690.00 |
| REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. 1.9, 1.27, 1.28) IF APPLICABLE, AFFIDAVIT MUST BE FILED ALSO. | | \$345.00 |
| TOTAL NATIONAL FEE = | | \$345.00 |

14. ☒ A check in the amount of \$345.00 is enclosed.

15. ☐ The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account No. 14-0629.

16. ☒ The Power of Attorney in the prior application is to:

a. ☒ The Power of Attorney appears in the original papers in the prior application (copy enclosed).

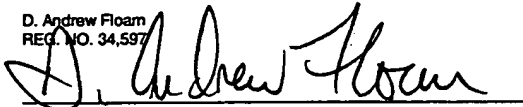
b. ☐ Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

D. Andrew Floam
NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303-1811

17. I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

D. Andrew Floam
REG. NO. 34,597


SIGNATURE

February 3, 2000
DATE

☐ Inventor(s)

☐ Assignee of complete interest

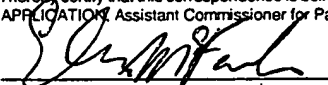
☒ Attorney or agent of record

☐ Filed under 37 C.F.R. 1.34(a)
(Registration No. is acting under 37 C.F.R. 1.34(a):

EXPRESS MAIL NO. EL348121791US

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL348121791US in an envelope addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

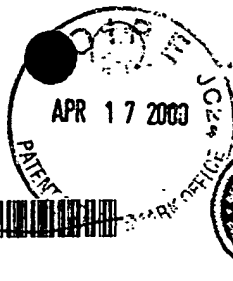

Everardo McFarlane

2-3-2000
DATE

FILING RECEIPT



OC000000005024493

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/497,620 | 02/03/2000 | 3734 | 345 | 15006.0007 U2 4 | | 13 | 1 |

RECEIVED

APR 05 2000

NEEDLE & ROSENBERG

William H Needle Esq
Needle & Rosenberg PC
Ste 1200 The Chandler Building
127 Peachtree Street NE
Atlanta, GA 30303-1811

Date Mailed: 04/03/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Douglas E. Ott, Macon, GA ;
John F. Schaefer, Macon, GA ;
Robert I. Gray, Macon, GA ;

DA7

| | |
|-----------------|---------------------|
| DOCKETED | |
| By: <u>DMW</u> | Date: <u>4/5/00</u> |
| Reviewed: _____ | Name/Date |

Continuing Data as Claimed by Applicant

Foreign Applications

If Required, Foreign Filing License Granted 04/01/2000

** SMALL ENTITY **

Title

Method and apparatus for conditioning gas for medical procedures having humidity monitoring and recharge alert

Preliminary Class

604

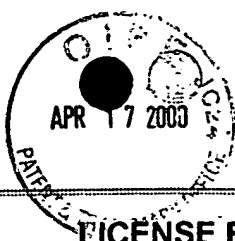
Data entry by : ARMSTEAD, LORRAINE

Team : OIPE

Date: 04/03/2000



RECEIVED
MAY 30 2000
TECHNOLOGY CENTER



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

RECEIVED
APR 30 2000
CUSTOMER SERVICE CENTER